

## NOTICE OF MEETING

NOTICE IS HEREBY GIVEN THAT THE BOARD OF ADJUSTMENT WILL MEET IN A REGULAR SESSION IN THE SENATOR FLORENCE SHAPIRO COUNCIL CHAMBERS LOCATED AT, 1520 AVENUE K, PLANO, TEXAS AT 3:00 P.M. TUESDAY, JUNE 28, 2016.

The Board of Adjustment may convene into Executive Session pursuant to Section 551.071 of the Texas Government Code to consult with its attorney regarding posted items in the regular meeting.

### PUBLIC COMMENTS:

1. The Board of Adjustment will hear comments of public interest. Time constraints may be directed by the Chair of the Board of Adjustment. Specific factual information, explanation of current policy, or clarification of Board of Adjustment authority may be made in response to an inquiry. Any other discussion or decision must be limited to a proposal to place the item on a future agenda.

### APPROVAL OF MINUTES:

2. May 24, 2016 meeting

### ZONING APPEAL REQUEST:

3. **APPEAL #16-13Z 2125 Woodburn Corners:** A request to vary from Subsection 9.500 (.3) of Division 2, Article 9, Zoning Ordinance No. 2015-5-2 as amended, to allow an addition to encroach 1.85 feet into the required 10' side yard setback, for a reduced side yard setback of 8.15 feet. This appeal is requested by property owner Dan M. Smith.

### OTHER:

4. Items for future Agenda.

I certify that the above notice of meeting was posted on the bulletin board in the Municipal Building, 1520 Avenue K, Plano, Texas on the 17<sup>th</sup> day of June 20 16, at 5:00 o'clock. p.m.

Alia D. Soyle  
Asst. City Secretary



### **Council Liaisons: Deputy Mayor Pro Tem Ben Harris and Council Member Tom Harrison**

Municipal Center is wheelchair accessible. A sloped curb entry is available at the main entrance facing Municipal/L Ave., with specially marked parking spaces nearby. Access and special parking are also available on the north side of the building. The Senator Florence Shapiro Council Chambers are located on the first floor. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting time by calling the Building Inspection Department at 972-941-7140

**Board of Adjustment  
May 24, 2016**

Board Members Present

Robert Miller, Vice Chair  
Peter Krause  
Jim Norton  
Ban Alali  
William Gibson  
Enghlab Eftekhari  
Phil Head, Alternate  
Phillip Pierceall, Alternate

Absent

Carolyn Kalchthaler, Chairperson  
Joyce Beach

Staff

Victoria Huynh, Deputy City Attorney  
Gary Miles, Assistant Building Official  
Laura Wigglesworth, Code Compliance Rep  
Diana Casady, Sr. Administrative Assistant

Vice Chair, Robert Miller called the meeting to order at 3:00 p.m., Tuesday, May 24, 2016 in the Senator Florence Shapiro Council Chambers of the Municipal Center. A quorum was present and notice of the meeting had been posted for the time and manner required by law. The following matters were discussed.

Vice Chair Robert Miller admitted all documents and testimony given into the official Board of Adjustment record.

**1. Public comments: There was no public comment.**

**2. Approval of Minutes from May 10, 2016, 2016**

Board Member Ban Alali made the motion to approve the minutes from May 10, 2016, Peter Krause seconded the motion. The Board voted 8/0 in favor of approving the minutes.

**3. APPEAL # 16-12Z 4451 Birdsong Lane: A request to vary from Subsection 9.600 (.3) of Division 2, Article 9, Zoning Ordinance No. 2015-5-2 as amended, to allow an existing single family residence to encroach 3.4 feet into the required 30 foot platted front building line setback, for a reduced 26.6 foot front setback.**

Laura Wigglesworth, Code Compliance Representative, gave a presentation on the variance request and answered questions from the Board.

Mr. Wayne Visalga, Property Owner, testified they purchased the house in 1983, and had no idea it was encroaching on the build line. They found out a few weeks ago when they had the new survey done. Mr. Visalga answered the four factors to qualify for the variance request.

Vice Chair Miller closed the floor to public comment, and discussion was confined to the Board.

After discussion, Board Member Phil Head made the motion to approve Appeal #16-12Z. Bill Gibson seconded the motion. The Board voted 8/0 in favor of the motion, the variance request was approved.

**8. Items for future Agenda.**

None at this time, the cutoff for the June 14<sup>th</sup> meeting is May 27th.

Meeting adjourned at 3:15 p.m.

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Robert Miller, Vice Chairperson

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## **Zoning Appeal for 2125 Woodburn Corners**

- 1. Zoning Appeal to the Board of Adjustment (Notarized)**
- 2. Sealed Survey with Overlay of Proposed Addition**
- 3. Photograph of Drainage Easement, Clear Day**
- 4. Photograph of Drainage Easement, Rainy Day**
- 5. Scaled Elevations, including “As Built” and “Modified”**
- 6. Photograph of Position of Addition**
- 7. Scarbrough Letter of Support (Next Door Neighbor)**
- 8. Sotille Letter of Support (Across Street Neighbor)**



# ZONING APPEAL TO THE BOARD OF ADJUSTMENT

APPEAL #: 16-13Z

\$ 75-RESIDENTIAL (HOMESTEAD ENCROACHMENTS ON HOMES BUILT PRIOR TO MAY 1987)  
\$150-RESIDENTIAL (HOMESTEAD)  
\$265-RESIDENTIAL/COMMERCIAL

**PLEASE TYPE OR PRINT USING BLACK INK**

**APPEAL LOCATION:**

Street Address: 2125 Woodburn Corners Zoning District: SF-9

Lot Number: 1 Block: C Addition: Riverbend West

**TO THE HONORABLE BOARD OF ADJUSTMENT:**

<u>Dan M. Smith</u>	<u>214-244-6286</u>
(Applicant)	(Applicant's Phone Number)
<u>2125 Woodburn Corners</u>	<u>Plano TX 75075</u>
(Applicant's Street Address)	City State Zip

In accordance with the provisions of Section 6-204, et seq. of the City of Plano Zoning Ordinance, appeal is now made to the Honorable Board of Adjustment to grant the following variance request. (Please be specific in request):

In order to add a bedroom addition to our residence, we are seeking a 1.85' variance in the side yard setback

In order to make a finding of hardship and to grant a variance, the Board of Adjustment must determine that all of the following conditions are met. State how your request meets these conditions. Please note that the stated hardship shall not be financial nor self-induced.

a. The requested variance does not violate the intent of the ordinance or its amendments:  
The requested variance not will violate the ordinance's intent of providing protection from excessive noise, odors, visual clutter, or any other objectionable influences to family living. I have attached letters to this document, from neighbors next door and across the street, attesting to same.

b. Special conditions of restricted area, shape, topography or physical features exist that are peculiar to the subject parcel of land and are not applicable to other parcels of land in the same zoning district:  
50 feet of the width of my platted lot is unusable because it is a dedicated drainage easement which becomes a raging torrent periodically during rainy weather. (See attached photographs) This unusual easement is not applicable to the vast majority of lots in SF-9 zones.

c. The hardship is in no way the result of the applicant's own actions:  
This condition was platted by the City of Plano before I owned the property.

d. The interpretation of the provisions of this ordinance or its amendments would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district that comply with the same provisions:  
Unlike most other properties in SF-9 zones, I do not have the right to use more than 1/3 of mine because of the easement. Nor do I have the right to be considered under ordinance(s) designed for properties that are narrower.

e. How is the property going to be used?  
We intend to build a bedroom/bathroom addition so that my wife's mother can live with us, rather than in an assisted living facility.

**ZONING APPEAL TO THE BOARD OF ADJUSTMENT**

- f. Is the denial of the variance going to cause a substantial burden on religious activities of the property owner/user?  
Circle one: Yes / No (If Yes, see question (g) below)
- g. If yes, please explain how the denial of the variance will cause a burden on religious activities of the property owner/user?

\_\_\_\_\_

\_\_\_\_\_

\*\*\*\*\*

The undersigned officer(s) and/or agent(s) of the property owner(s) are the properly authorized officials and by signing below have the necessary authority to execute this application on behalf of applicant hereto.

\_\_\_\_\_  
Name Address City State Zip Date

**PLEASE CHECK ONE:**

- I will represent this variance request at the Board meeting
- I will not be able to represent this variance at the Board meeting. My authorized representative who will represent this variance before the Board of Adjustment is:

\_\_\_\_\_  
Name Street Address City State Zip

\*\*\*\*\*

**NOTE TO APPLICANT:**

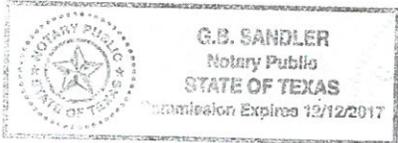
A notice of meeting will be sent only to the applicant, or to the authorized representative, if one is designated. If the variance is denied, it may be two years before the variance can be reheard. The decision of the Board of Adjustment shall be final on all sign cases. Refer to The City of Plano Zoning Ordinance: Article 6, Section 6-209(3) to appeal the decision of the Board regarding a zoning case. DM (initial)

I hereby certify that the above statements are true and correct to the best of my knowledge. I acknowledge that I may withdraw my application prior to it being presented to the Board. To resubmit the application I understand I will need to submit another application fee. DM (initial)

Dan M. Smith  
Applicant's Signature  
DAN M. SMITH  
Please Print Name

STATE OF TEXAS  
COUNTY OF COLLIN

Subscribed and sworn to before me this 9<sup>th</sup> day of JUNE, 2016



G.B. Sandler  
Notary Public

(Seal) My commission expires: 12-12-2017

**PROPERTY DESCRIPTION**

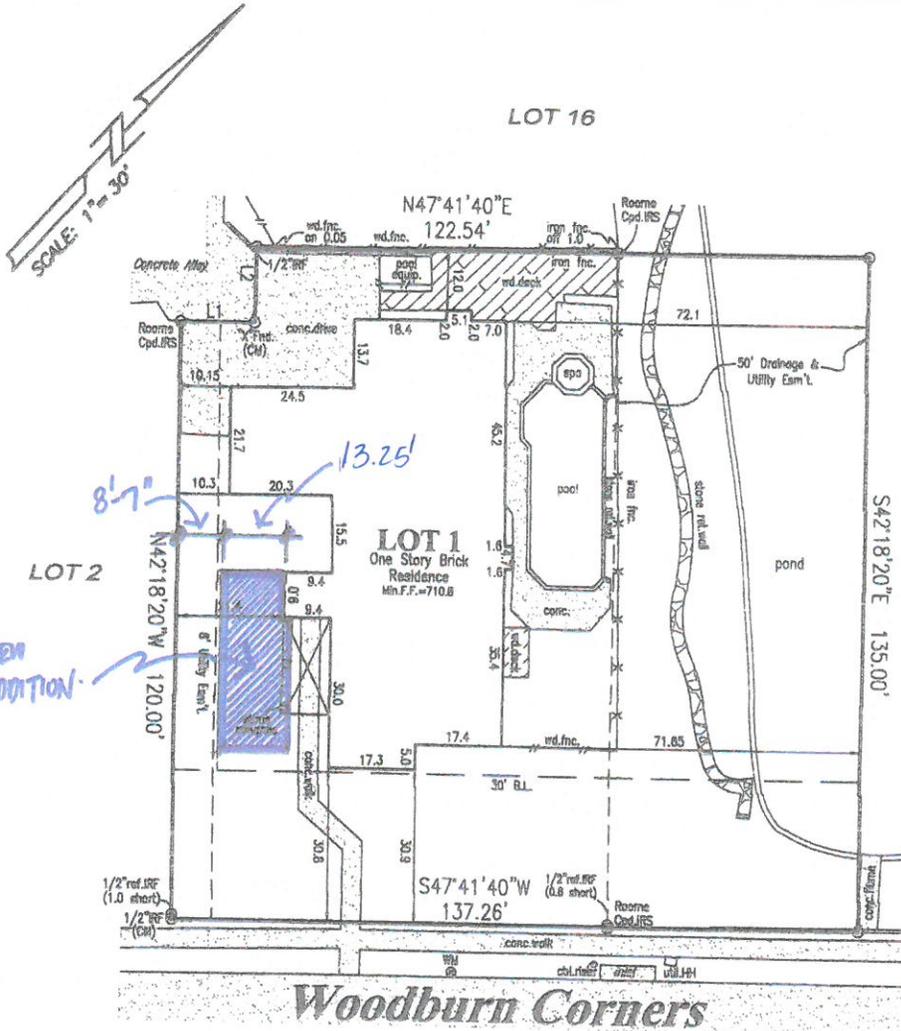
Address: 2125 Woodburn Corners, Being Lot 1, in Block C, of River Bend West, an Addition to the City of Plano, Collin County, Texas, according to the Map/Plat thereof recorded in Volume G, Page 94-95, of the Map Records, of Collin County, Texas.



**Roome Land Surveying**

2000 Avenue G, Suite 810  
Plano, Texas 75074

Phone (972) 423-4372 / Fax (972) 423-7523  
www.roomesurveying.com / Firm No. 10013100



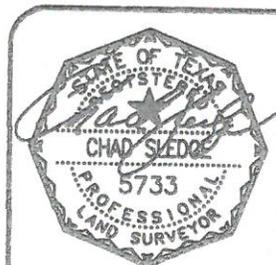
LINE	BEARING	DISTANCE
L1	N47°41'40"E	14.73'
L2	N42°18'20"W	15.00'

**NOTES:** (1) Source bearing is based on recorded plat unless otherwise noted. (2) (CM) = Controlling monument. (3) Surveyor's signature will appear in red ink on original copies. (4) All of the subject property lies within a Special Flood Hazard Area inundated by 100-year flood per Map Number 48085C0370J of the F.E.M.A. Flood Insurance Rate Maps for Collin County, Texas & Incorporated Areas dated June 2, 2009. (Zone AE). This statement does not imply that the property and/or structures will be free from flooding or flood damage. On occasion, greater floods can & will occur & flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor. (5) Final grade assumed finished floor elevations are at the brick ledge. (6) Drainage arrows, if shown, were determined by elevations shown hereon. (7) Subject property is affected by any & all notes, details, easements & other matters, that are shown on or as part of the recorded plat. (8) Survey performed without a title commitment. There may be easements, or other matters, not shown.

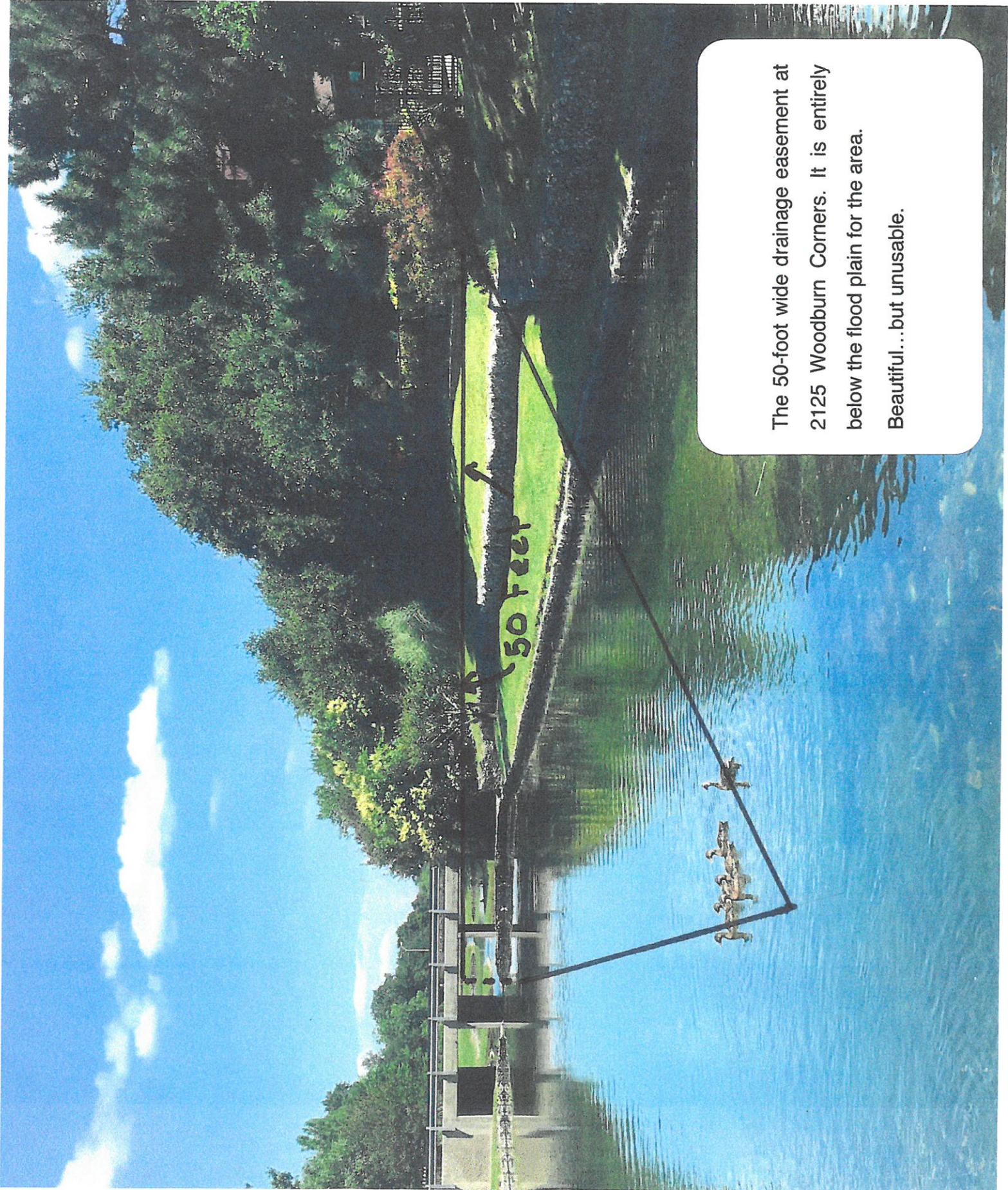
**CERTIFICATION**

On the basis of my knowledge, information & belief, I certify to Dan Smith that as a result of a survey made on the ground to the normal standard of care of Registered Professional Land Surveyors practicing in the State of Texas, I find the plat hereon is true, correct & accurate as to the boundaries of the subject property & if shown, location & type of buildings & visible improvements hereon.

Date: 4/22/2016 Revised: \_\_\_\_\_ Job No. LB126583



IRF=iron, Rod Found I, RS=iron Rod Set, Cnd=Capped, ON=Overhead Line, PPS=Power Pole, LP=Light Pole, W=Water Valve, WA=Water Meter, CH=Gas Meter, B.L.=Building Line, BH=Hambley Line, I.O.F.=Top of Form, M.F.F.=Minimum Finished Floor, F.F.=Finished Floor, M=Mophole, LEGEND



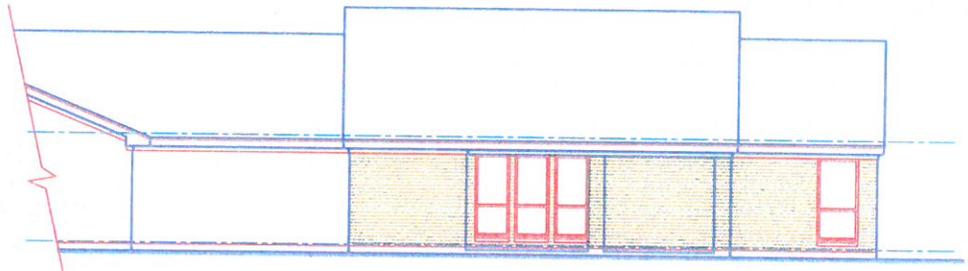
The 50-foot wide drainage easement at 2125 Woodburn Corners. It is entirely below the flood plain for the area. Beautiful...but unusable.



50'

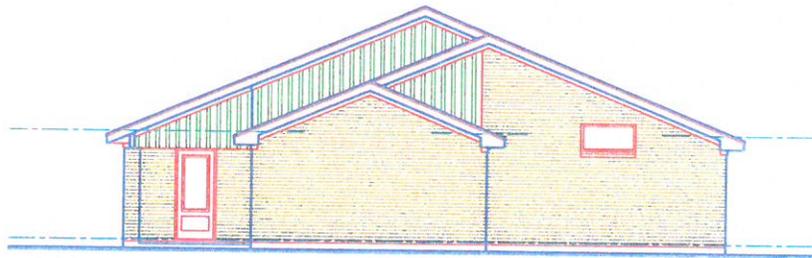
Property Line

This photograph was taken from our deck during the recent rainstorms. Notice the flotsam in the lower right corner of the picture. As high as the water is, the flotsam shows how much higher it can rise when it rains heavily.



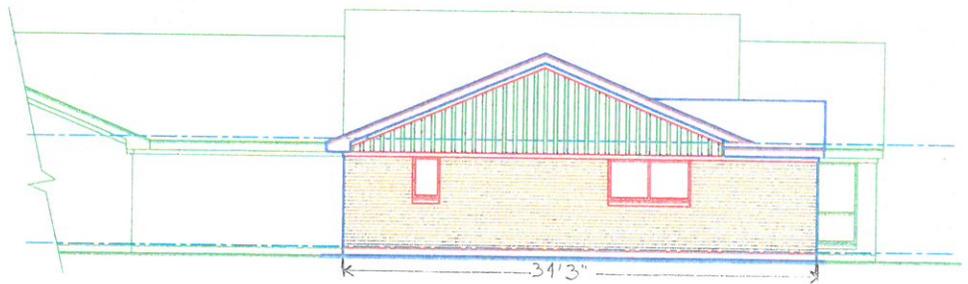
**AS BUILT LEFT ELEVATION**

SCALE: 1/4" = 1'-0"



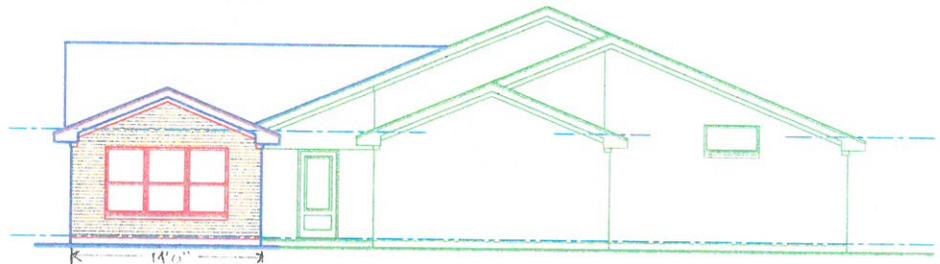
**AS BUILT FRONT ELEVATION**

SCALE: 1/4" = 1'-0"



**MODIFIED LEFT ELEVATION**

SCALE: 1/4" = 2'-8"



**MODIFIED FRONT ELEVATION**

SCALE: 1/4" = 2'-8"



The stakes are placed the exact external width of the addition...14-feet. There is more than 26 feet of space between the outermost wall (left stake) and the house next door at 2121 Woodburn Corners.

Mr. and Mrs. Steve Scarbrough  
2121 Woodburn Corners  
Plano, TX 75075

June 7, 2016

Re: Addition to 2125 Woodburn Corners

Dear Plano Board of Adjustment:

We are the only next door neighbors to the Smiths at 2125 Woodburn Corners. The other side of their house is a pond, except when it rains, when the pond becomes a river.

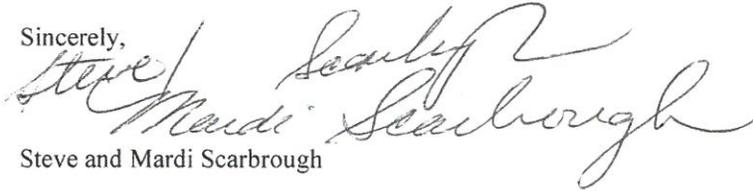
We have seen their plans for adding a bedroom to their house, and enthusiastically support those plans.

The design will fit nicely into the feel of our neighborhood. And it makes excellent use of the ample space between our houses.

When the project is completed, there will be 26 feet 7 inches of open space between our house and their addition. That's more space than we have between us and our neighbors on the other side! We will not be, nor feel, crowded at all by this addition.

We also think this addition could increase property values in our neighborhood.

Sincerely,

A handwritten signature in cursive script, appearing to read "Steve and Mardi Scarbrough". The signature is written in dark ink and is positioned above the typed name.

Steve and Mardi Scarbrough

May 9, 2016

Tony and Janet Sottile  
3605 Tennis Place  
Plano, TX 75075

To Whom It May Concern:

Dan and Vicki Smith have asked us to write a letter to the Plano City Board of Adjustment, telling you that we are in favor of the addition they want to build on to their house.

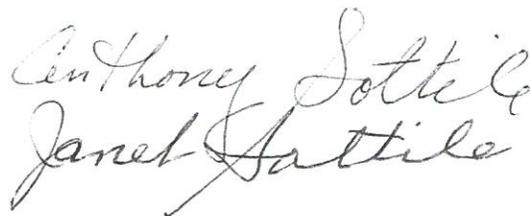
We live directly across the street from them, and our property also backs up on the Riverbend ponds, so we, too, lose 50 feet of our lot to the easement behind our house.

We have seen the Smith's plans, and think their expansion will be a very nice addition to our neighborhood. The design is in keeping with the architecture style of their present house, and in keeping with the styles in the neighborhood.

Please note that we have absolutely no problems with what they plan to do. From our house, all we do is look across the street at their place, and we think this is a lovely expansion.

Yours truly,

Tony Sottile  
Janet Sottile

A handwritten signature in cursive script, reading "Anthony Sottile & Janet Sattila". The signature is written in black ink and is positioned below the typed names of the signatories.

**APPEAL SUMMARY**  
**#16-13Z**

**APPLICANT:** Property owner Dan M. Smith

**ADDRESS:** 2125 Woodburn Corners  
Lot 1, Block C, River Bend West Subdivision.

**ZONING:** Single Family 9 (SF-9)

**APPLICANT REQUEST:** The applicant is requesting to vary from Subsection 9.500 (.3) of Division 2, Article 9, Zoning Ordinance No. 2015-5-2 as amended, to allow an addition to encroach 1.85 feet into the required 10' side yard setback, for a reduced side yard setback of 8.15 feet.

**ORDINANCE REQUIREMENTS:**

Subsection 9.500 (.3) table states the minimum side yard setback of an interior lot shall be 7.5 feet or 10% of lot width, whichever is greater.

**STAFF FINDINGS:**

This property is located east of Coit Road and just north of West Park Boulevard, situated within a residential zoning district.

Per the applicant, 50 feet of the width of my platted lot is unusable because it is a dedicated drainage easement which becomes a raging torrent periodically during rainy weather.

The property owner would like to add an addition to his home on the west portion of his home therefore requiring 10 feet side yard. The addition will be 13.25 feet in width and measuring 8.15 feet setback from the west property line. The applicant is requesting to encroach 1.85 feet into the required 10' side yard setback.

Also, the lot width is 137.26 feet requiring a 10' side yard setback. This lot is also a part of a 50 foot floodway & drainage easement therefore, only allowing 87.26 feet of usable space for west portion of this lot.

### 9.500 SF-9, Single-Family Residence-9 District

**.1 Purpose**

The SF-9 district is intended to provide areas for large-lot, urban, single-family development protected from excessive noise, illumination, odors, visual clutter, and other objectionable influences to family living.

**.2 Permitted Uses**

See the residential districts use table in Sec. [14.100](#) for a complete listing.

**.3 Area, Yard, and Bulk Requirements**

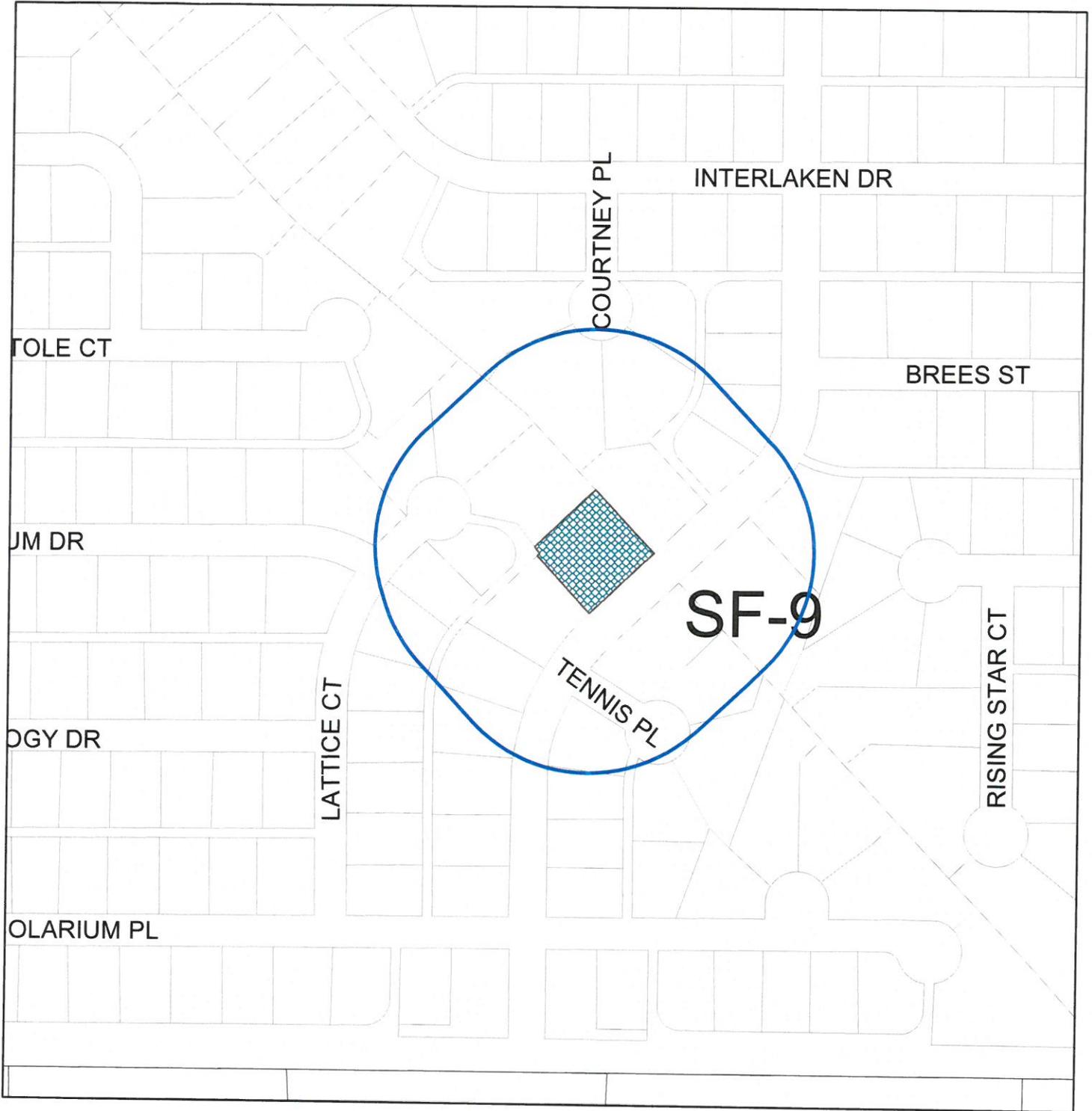
(ZC 2006-02; Ord. No. 2006-4-24)

The following area, yard, and bulk requirements apply to all development in the SF-9 district unless otherwise expressly stated:

Description	Standard Requirements	Storm Water Management Option 1 Requirements	Storm Water Management Option 2 Requirements
Minimum Lot Area	9,000 square feet	8,550 square feet	8,100 square feet
Minimum Lot Width	75 feet	75 feet	75 feet
Minimum Lot Depth	100 feet	95 feet	95 feet
Minimum Front Yard	30 feet, except as provided in Sec. <a href="#">9.500.4</a> and Sec. <a href="#">13.500.2</a>	25 feet, except as provided in Sec. <a href="#">9.500.4</a> and Sec. <a href="#">13.500.2</a>	25 feet, except as provided in Sec. <a href="#">9.500.4</a> and Sec. <a href="#">13.500.2</a>
Minimum Side Yard	(Ord. No. 95-4-30)		
* Interior Lot	7.5 feet or 10% of lot width, whichever is greater, except as in Sec. <a href="#">13.500.3</a>	7.5 feet or 10% of lot width, whichever is greater, except as in Sec. <a href="#">13.500.3</a>	7.5 feet or 10% of lot width, whichever is greater, except as in Sec. <a href="#">13.500.3</a>
Corner Lot	15 feet on street side, except as in Sec. <a href="#">13.500.3</a>	15 feet on street side, except as in Sec. <a href="#">13.500.3</a>	15 feet on street side, except as in Sec. <a href="#">13.500.3</a>
Maximum Side Yard	10 feet	10 feet	10 feet
Minimum Rear Yard	10 feet, except as provided in Sec. <a href="#">9.500.4</a> and Sec. <a href="#">13.500.4</a>	10 feet, except as provided in Sec. <a href="#">9.500.4</a> and Sec. <a href="#">13.500.4</a>	10 feet, except as provided in Sec. <a href="#">9.500.4</a> and Sec. <a href="#">13.500.4</a>
Minimum Floor Area per Dwelling Unit	800 square feet	800 square feet	800 square feet
Maximum Height	2 story, 35 feet, except as in Sec. <a href="#">13.600</a>	2 story, 35 feet, except as in Sec. <a href="#">13.600</a>	2 story, 35 feet, except as in Sec. <a href="#">13.600</a>
Maximum Coverage	45% total for principal and accessory buildings (See Sec. <a href="#">13.500.4A</a> )	47.5% total for principal and accessory buildings (See Sec. <a href="#">13.500.4A</a> )	50% total for principal and accessory buildings (See Sec. <a href="#">13.500.4A</a> )
Minimum Storm Water Conservation Area	N/A	5% in accordance with Sec. <a href="#">9.500.4</a>	10% in accordance with Sec. <a href="#">9.500.4</a>
Parking Requirements	2 parking spaces per dwelling unit (See <a href="#">Article 16</a> )	2 parking spaces per dwelling unit (See <a href="#">Article 16</a> )	2 parking spaces per dwelling unit (See <a href="#">Article 16</a> )

**.4 Miscellaneous Area, Yard, and Bulk Requirements**

(ZC 2006-02; Ord. No. 2006-4-24)

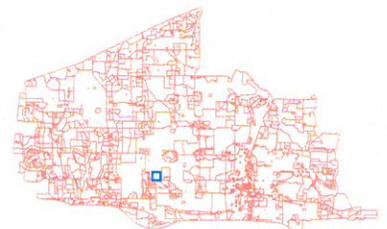


Board of Adjustment

Appeal #: 16-13Z

Address: 2125 WOODBURN CORNERS

Zoning: SINGLE FAMILY 9 (SF9)



○ 250' Notification Buffer

# 16-13Z

SMITH DAN M  
2125 WOODBURN CORS  
PLANO, TX 75075-3506

SCARBROUGH STEVEN W &  
MARTHA LUDWIG SCARBROUGH  
2121 WOODBURN CORS  
PLANO, TX 75075-3506

HEATH MARTIN K & NANCY  
2117 WOODBURN CORS  
PLANO, TX 75075-3506

MADDEN CHAD & JANA  
2113 WOODBURN CORS  
PLANO, TX 75075-3506

JENNINGS MICHELLE WYANT  
2116 LATTICE CT  
PLANO, TX 75075-3512

BAEHLER LORI A  
2120 LATTICE CT  
PLANO, TX 75075-3512

HILL DAVID  
2124 LATTICE CT  
PLANO, TX 75075-3512

WHITSON SAMUEL NEAL & HANNAH ESTELLE  
2128 LATTICE CT  
PLANO, TX 75075-3512

MARTIN WILMA JEAN  
2132 LATTICE CT  
PLANO, TX 75075-3512

HAZELTON G THOMAS JR & LINDA K  
2133 LATTICE CT  
PLANO, TX 75075-3561

BERGENHOLTZ MICHAEL  
2129 LATTICE CT  
PLANO, TX 75075-3561

SAYE TAYLOR D TRUST  
NORMA W SAYE TRUSTEE  
8030 FRANKFORD RD APT 304  
DALLAS, TX 75252-6840

FISHER T DREW  
2108 WOODBURN CORS  
PLANO, TX 75075-3505

SHRYOCK ALLEN B & REBECCA A  
2112 WOODBURN CORS  
PLANO, TX 75075-3505



ROWDEN SARAH ELIZABETH  
3604 TENNIS PL  
PLANO, TX 75075-3340

BRICKERT KEITH M & SARA C  
3600 TENNIS PL  
PLANO, TX 75075-3340

NEAL ANGELIA LYNN  
3601 TENNIS PL  
PLANO, TX 75075-3340

SOTTILE ANTHONY J & JANET  
3605 TENNIS PL  
PLANO, TX 75075-3340

GRISSOM JOHN R  
2204 WOODBURN CORS  
PLANO, TX 75075-3507

HOGAN THOMAS W  
2200 WOODBURN CORS  
PLANO, TX 75075-3507

MATHEWS GEORGE ETUX  
2201 WOODBURN CORS  
PLANO, TX 75075-3508

GRENIER SUSAN  
2205 WOODBURN CORS  
PLANO, TX 75075-3508

AUSTIN ROBERT L  
2209 WOODBURN CORS  
PLANO, TX 75075-3508

LITZEL PHILIP D & MARILYN L  
2213 WOODBURN CORS  
PLANO, TX 75075-3508

CLARK RONALD & SANDRA  
2204 COURTNEY PL  
PLANO, TX 75075-3509

HARGROVE DAVID B & SHELLY A  
2200 COURTNEY PL  
PLANO, TX 75075-3509

PINKNEY JOHN M ETUX  
2201 COURTNEY PL  
PLANO, TX 75075-3509

ROBIN RICHARD A II & JILL M  
2205 COURTNEY PL  
PLANO, TX 75075-3509